

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**
Southern Division

NATHANIEL HICKS

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Plaintiff,

*

v.

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Case No. 16-2521-PWG

GERALD FERREYRA, et al.,

*

Defendants.

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* * * * *

ORDER

For the reasons stated on the record at the June 3, 2021 motions hearing, it is hereby
ORDERED that:

1. Plaintiff's Motion in Limine, ECF No. 102, renewed at ECF No. 123, is GRANTED IN PART and DENIED IN PART;
 - a. Officer Ferreyra's deposition testimony related to the prior encounter between a different Nathaniel Hicks and Officer Ferreyra may not be used as an admission or for impeachment purposes, because at the time of that deposition Officer Ferreyra was unaware that the Officer Hicks from the earlier encounter and the Plaintiff were two different persons, and his deposition testimony may have been influenced by his mistaken assumption that they were the same. Neither may the records relating to that previous encounter and the investigation of Officer Ferreyra related to that event be admitted against him as substantive evidence, unless Officer Ferreyra "opens the door" to the introduction of those documents by his testimony or other evidence he presents during his defense;
 - b. Plaintiff may elicit testimony on direct or cross examination from Officer Ferreyra regarding whether he harbored any animosity towards or bias against Plaintiff based on any mistaken impressions or belief that the Nathaniel Hicks that he previously encountered under adverse circumstances actually was the Plaintiff;
2. Defendants' Motion in Limine, ECF No. 104, renewed at ECF No. 125, is GRANTED IN PART and DENIED IN PART as described above; and

3. Subject to this ruling, (which is a pretrial definitive ruling made on the record, Fed. R. Evid. 103(b)), the Proposed Pretrial Order, ECF No. 117, is APPROVED.

SO ORDERED this 4th day of June 2021.

/S/
Paul W. Grimm
United States District Judge